

Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	NO. CR05-5558RBL
)	
vs.)	STIPULATED ORDER
)	CONTINUING DUE DATE
SHERI LUCO,)	FOR PRE-TRIAL MOTIONS
)	CUTOFF, PRE-TRIAL MOTIONS
Defendant.)	HEARING AND TRIAL DATE
)	

Before this court is a joint motion for a motion for continuance of the due date of the pre-trial motions which are presently scheduled for August 19, 2005; the pre-trial hearing has been scheduled for September 21, 2005 and the trial, which is set for September 26, 2005. The defendant requires additional time to prepare her motions, to receive and review discovery any additional discovery and to prepare for trial.

A continuance is also necessary due to the fact that defense is continuing to review discovery, determine what pre-trial motions should be filed and prepare for trial.

Assistant United States Attorney, Michael Dion, has no objection to a continuance and joins in the motion.

Additionally, defendant Luco is not in custody.

Further, the defendant is aware of this motion, has no objection to a continuance, and joins in this motion. Ms. Luco shall file a waiver of speedy trial.

That the court finds, after a consideration of all relevant information (including the affidavit filed by Brett A. Purtzer in support of the motion for a continuance) and the circumstances of this case, that without this continuance the

1 defendant will be prejudiced and the ability to properly prepare for trial would be
2 impaired. Failure to grant a continuance under these circumstances would result in a
3 miscarriage of justice. The ends of justice would best be served by the granting of the
4 motion for continuance to ensure continuity of counsel and adequate trial preparation.
5 The ends of justice outweigh the best interests of the public and the defendant in having
6 the matter brought to trial sooner.

7 For these reasons, the court finds the defendant's motion for continuance
8 should be granted.

9 The **motion cut-off date** scheduled for August 19, 2005 is VACATED.
10 Motion cut-off shall be RESCHEDULED TO **September 19, 2005**.

11 The trial brief, proposed jury instructions, witness list, any written
12 stipulations, proposed verdict forms, *joint statement of case*, and motions in limine shall
13 be submitted by **November 10, 2005**.

14 The pre-trial conference date scheduled for September 21, 2005 is
15 VACATED. Pre-trial conference date is RE-SCHEDULED FOR
16 NOVEMBER 15, 2005 at 9:00 a.m. in Tacoma, Washington.

17 The trial date scheduled for September 25, 2005 is VACATED. Trial
18 shall be RESCHEDULED TO **NOVEMBER 21, 2005 at 9:30 a.m.** in Tacoma,
19 Washington.

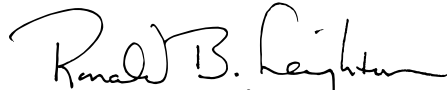
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1 The period of delay resulting from this continuance from the current trial
2 date of September 26, 2005, to the new trial date of November 21, 2005, is hereby
3 excluded for speedy trial purposes under 18 U.S.C. 3161(h)(8)(A) and (B) for purposes
4 of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161-
5 3174.

6 IT IS SO ORDERED THIS 18th Day of August, 2005.

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8 

9 Ronald B. Leighton
10 United States District Judge
Digitally Signed upon oral
authorization (JAB)

11
12
13 Presented by:

14
15 LAW OFFICES OF MONTE E.
16 HESTER, INC., P.S.
Attorneys for Sheri Luco

17
18 By: _____/s. _____
Brett A. Purtzer

19
20 Approved by:

21 UNITED STATES ATTORNEY'S OFFICE

22 By: Telephonic approval 8/17/05
23 Michael Dion
24 Assistant United States Attorney